

GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH
REPUBLIC OF LATVIA

JULY 14, 1998.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3460]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3460) to approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH LATVIA.

Notwithstanding section 203 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1823), the governing international fishery agreement between the Government of the United States of America and the Government of the Republic of Latvia, as contained in the message to Congress from the President of the United States dated February 3, 1998, is approved as a governing international fishery agreement for the purposes of such Act and shall enter into force and effect with respect to the United States on the date of enactment of this Act.

SEC. 2. REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.

(a) REAUTHORIZATION.—Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking “for each of” and all that follows through the end of the sentence and inserting “for each fiscal year through fiscal year 2001.”.

(b) MISCELLANEOUS TECHNICAL AMENDMENTS.—The Northwest Atlantic Fisheries Convention Act of 1995 is further amended—

(1) in section 207(e) (16 U.S.C. 5606(e)), by striking “sections” and inserting “section”;

(2) in section 209(c) (16 U.S.C. 5608(c)), by striking “chapter 17” and inserting “chapter 171”; and

(3) in section 210(6) (16 U.S.C. 5609(6)), by striking “the Magnuson Fishery” and inserting “the Magnuson-Stevens Fishery”.

(c) REPORT REQUIREMENT.—The Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 201 et seq.) is further amended by adding at the end the following:

“SEC. 212. ANNUAL REPORT.

“The Secretary shall annually report to the Congress on the activities of the Fisheries Commission, the General Council, the Scientific Council, and the consultative committee established under section 208.”.

(d) NORTH ATLANTIC FISHERIES ORGANIZATION QUOTA ALLOCATION PRACTICE.—The Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 201 et seq.) is further amended by adding at the end the following:

“SEC. 213. QUOTA ALLOCATION PRACTICE.

“(a) IN GENERAL.—The Secretary of Commerce, acting through the Secretary of State, shall promptly seek to establish a new practice for allocating quotas under the Convention that—

“(1) is predictable and transparent;

“(2) provides fishing opportunities for all members of the Organization; and

“(3) is consistent with the Straddling Fish Stocks Agreement.

“(b) REPORT.—The Secretary of Commerce shall include in annual reports under section 212—

“(1) a description of the results of negotiations held pursuant to subsection (a);

“(2) an identification of barriers to achieving such a new allocation practice; and

“(3) recommendations for any further legislation that is necessary to achieve such a new practice.

“(c) DEFINITION.—In this section the term ‘Straddling Fish Stocks Agreement’ means the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.”.

SEC. 3. REAUTHORIZATION OF THE ATLANTIC TUNAS CONVENTION ACT OF 1975.

(a) REAUTHORIZATION.—Section 10(4) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h(4)) is amended by striking “For fiscal year 1998,” and inserting “For each of fiscal years 1998, 1999, 2000, and 2001,”.

(b) MISCELLANEOUS TECHNICAL AMENDMENTS.—(1) The Atlantic Tunas Convention Act of 1975 is further amended—

(A) in section 2 (16 U.S.C. 971), by redesignating the second paragraph (4) as paragraph (5);

(B) in section 5(b) (16 U.S.C. 971c(b)), by striking “fisheries zone” and inserting “exclusive economic zone”;

(C) in section 6(c)(6) (16 U.S.C. 971d(c)(6))—

(i) by designating the last sentence as subparagraph (B), and by indenting the first line thereof; and

(ii) in subparagraph (A)(iii), by striking “subparagraph (A)” and inserting “clause (i)”;

(D) by redesignating the first section 11 (16 U.S.C. 971 note) as section 13, and moving that section so as to appear after section 12 of that Act;

(E) by amending the style of the heading and designation for each of sections 11 and 12 so as to conform to the style of the headings and designations of the other sections of that Act; and

(F) by striking “Magnuson Fishery” each place it appears and inserting “Magnuson-Stevens Fishery”.

(2) Section 3(b)(3)(B) of the Act of September 4, 1980 (Public Law 96-339; 16 U.S.C. 971i(b)(3)(B)), is amended by inserting “of 1975” after “Act”.

PURPOSE OF THE BILL

The purpose of H.R. 3460 is to approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Governing International Fishery Agreements

In 1976, Congress enacted the Fishery Conservation and Management Act (Public Law 94-265) to manage and conserve the fisheries in the 200 mile U.S. Exclusive Economic Zone (EEZ). The Act was later renamed the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Under title II of the Magnuson-Stevens Act, foreign fishing vessels may not operate in the U.S. EEZ unless they are registered in a country that has signed a Governing International Fishery Agreement (GIFA) with the United States. These agreements require the foreign nations and vessels to comply with all U.S. laws governing the conservation and management of living marine resources. In return, foreign fishermen may receive an allocation of any excess fish that the U.S. government determines is available in the fishery. This determination is made on an annual basis.

There are a number of GIFAs in effect, including ones with Estonia, Lithuania, the Russian Federation, the People's Republic of China and South Korea.

While there is currently no foreign fishing occurring in federal waters, these agreements could allow both countries to expand business opportunities and to improve the management of various fish stocks if the U.S. decides that there is a surplus in the fishery and U.S. harvesting capacity is inadequate to harvest the available quota.

At this time, the Administration has requested that Congress renew the GIFA with the Republic of Latvia. This agreement would last until December 31, 1999, and would become effective upon the approval of Congress or before the close of the first 120 calendar days after the President transmits the agreement, which ever comes first (Section 203 of the Magnuson-Stevens Act).

For the last several years, there has been little, if any, excess fish available. However, these agreements remain important building blocks in our long-term bilateral relationships with other countries.

Atlantic Tunas Convention Act of 1975

The Atlantic Tunas Convention Act (ATCA) is the implementing legislation for the International Convention for the Conservation of Atlantic Tunas (ICCAT), an international treaty for the conservation and management of highly migratory tuna and tuna-like species of the Atlantic Ocean, Gulf of Mexico and Mediterranean Sea. These species include bluefin, yellowfin, albacore, and bigeye tunas, as well as swordfish, marlin and spearfish. These fish travel between high seas areas and the EEZs of countries bordering the Atlantic Ocean and, thus, may be subject to a wide range of regulations. Due to the immense distances covered by these types of fish, ICCAT sought to establish uniform, international regulations for these commercially valuable, but quickly declining living marine resources.

The multilateral treaty was originally negotiated in 1966. To date, 22 countries, including the United States, Japan, Canada, and Spain, are signatories to ICCAT. Although the Senate ratified

ICCAT in 1967, nine years passed before enactment of the Atlantic Tunas Convention Act. ATCA has been amended several times, most recently in 1995.

ATCA delineates the involvement of the United States in ICCAT. It establishes such necessary procedures as the selection of the U.S. delegates to the ICCAT Commission, the U.S. Advisory Committee and Species Working Groups. The Secretary of Commerce is authorized to administer and enforce all provisions of ICCAT and ATCA, and may adopt necessary and appropriate regulations for this mandate. The regulations may establish open and closed seasons, fish size requirements and catch limitations, incidental catch restrictions and observer coverage. ATCA also details civil penalties, enforcement provisions and authorization of appropriations.

Northwest Atlantic Fisheries Convention Act of 1995

The Northwest Atlantic Fisheries Convention Act is the implementing legislation for the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (Convention). The Northwest Atlantic Fisheries Organization (NAFO) was established in 1979 under the terms of the Convention. While the U.S. participated in the NAFO negotiations, signed the original Convention, and the Senate gave its advice and consent in 1983, the U.S. had not acceded to the Convention, pending the adoption of implementing legislation. It wasn't until 1995 that implementing legislation was passed and at the 1996 meeting the U.S. participated as a contracting party. Currently, there are 17 contracting parties participating in NAFO, including the U.S., Japan, Russia, Canada, the European Union and Norway.

The Convention Area extends in the northwest Atlantic Ocean from North Carolina to Baffin Bay, Canada. Within the Convention Area, but outside the EEZs of northwest Atlantic coastal states, is an area designated as the NAFO Regulatory Area. NAFO has established and maintained conservation and management measures in the Regulatory Area since 1979. Measures taken include total allowable catches and member nation quotas, by species; data recording and reporting requirements; minimum size limitations; mesh size restrictions; chafing gear requirements; and notification, registration and hailing requirements for fishing vessels operating in the Regulatory Area.

The species of fish in the NAFO Regulatory Area include cod, yellowtail flounder, American plaice, witch flounder, capelin, redfish, Greenland halibut, squid and shrimp. Most species have no directed fishing. However, in 1996, the U.S. received its first allocation of redfish and squid for the 1997 fishing season.

COMMITTEE ACTION

H.R. 3460 was introduced on March 12, 1998, by Congressman Jim Saxton (R-NJ). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On May 19, 1998, the Subcommittee held a hearing on H.R. 3460, where the Departments of Commerce and State, along with NAFO Commissioner, Jeff Pike, all testified in support of the bill. On June 4, 1998, the Subcommittee met to mark up H.R. 3460. No amendments were of-

ferred. The bill was then ordered favorably reported to the Full Committee by voice vote. On June 17, 1998, the Full Resources Committee met to consider H.R. 3460. An amendment to authorize an annual report to Congress and to require the Secretary of Commerce working through the Secretary of State to seek fishing opportunities for U.S. fishermen was offered by Congressman William Delahunt (D-MA) and adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

SECTION 1. GOVERNING INTERNATIONAL FISHERY AGREEMENT WITH LATVIA

Section 1 approves the governing international fishery agreement between the United States and the Republic of Latvia. The agreement would come into force on the date of enactment of this Act.

SECTION 2. REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995

Section 2(a) reauthorizes the Northwest Atlantic Fisheries Convention Act of 1995 by extending its authorized funding through fiscal year 2001.

Section 2(b) makes technical amendments to the Northwest Atlantic Fisheries Convention Act.

Section 2(c) adds a new section to the Northwest Atlantic Fisheries Convention Act. New Section 212 requires an annual report to Congress on the activities of the Fisheries Commission, the General Council, the Scientific Council, and the consultative committee established under section 208 of the Act. In addition, the report will contain a description of the results of the U.S. delegations pursuit to acquire quota for U.S. fishermen as required under Section 213.

Section 2(d) adds another section to the Northwest Atlantic Fisheries Convention Act. New Section 213 requires the Secretary of Commerce, acting through the Secretary of State, to negotiate with NAFO an allocation system where quota in the NAFO Regulatory Area is allocated to new members.

SECTION 3. REAUTHORIZATION OF THE ATLANTIC TUNAS CONVENTION ACT OF 1975

Section 3(a) reauthorizes the Atlantic Tunas Convention Act of 1975 by extending its authorized funding through 2001.

Section 3(b) makes technical amendments to the Atlantic Tunas Convention Act.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 3460.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 3460. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 3460 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 3460 will increase offsetting receipts by less than \$2000 a year.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 3460.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3460 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 6, 1998.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3460, a bill to approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Gary Brown and Victoria Heid.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

H.R. 3460—A bill to approve a governing international fishery agreement between the United States and the Republic of Latvia, and for other purposes

Summary: H.R. 3460 would approve a fishing agreement between the United States and Latvia. The bill also would authorize the appropriation of \$6 million a year through 2001 to the Department of State and the Department of Commerce for implementing the Northwest Atlantic Fisheries Convention Act of 1995 and the Atlantic Tunas Convention Act of 1975.

CBO estimates that implementing H.R. 3460 would result in new spending of \$18 million over the 1998–2003 period, assuming the appropriation of the authorized amounts. Enacting the bill also would affect direct spending by increasing offsetting receipts; therefore, pay-as-you-go procedures would apply. CBO estimates that the amounts of new offsetting receipts would be negligible. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

The agreement with Latvia specifies the terms under which up to five Latvian vessels that process fish may operate within the exclusive economic zone of the United States. The Northwest Atlantic Fisheries Convention Act and the Atlantic Tunas Convention Act authorize United States participation in regional fishery conservation organizations.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3460 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal years, in millions of dollars—					
	1998	1999	2000	2001	2002	2003
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority ¹	6	0	0	0	0	0
Estimated Outlays	6	2	1	0	0	0
Proposed Changes:						
Authorization Level	0	6	6	6	0	0
Estimated Outlays	0	4	5	6	2	1
Spending Under H.R. 3460:						
Authorization Level ¹	6	6	6	6	0	0
Estimated Outlays	6	6	6	6	2	1

¹ The 1998 level is the amount authorized and appropriated for that year for implementing the Northwest Atlantic Fisheries Convention Act of 1995 and the Atlantic Tunas Convention Act of 1975.

Basis of estimate: For purposes of this estimate, CBO assumes that H.R. 3460 will be enacted by the beginning of fiscal year 1999 and that the authorized amounts will be appropriated for each year. Estimated outlays are based on historical spending patterns for the authorized programs.

The Latvian government would be responsible for submitting an application and an application fee of \$354 on behalf of each vessel that proposes to operate within the United States exclusive economic zone. Fees would be deposited in the Treasury, and any permits issued would be valid for up to a year. The agreement with Latvia would be in effect for two years.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO estimates that enacting H.R. 3460 would affect direct spending by increasing offsetting receipts but that the amounts involved would be negligible—less than \$2,000 a year. Enacting the legislation would not affect governmental receipts.

Intergovernmental and private-sector impact: H.R. 3460 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Gary Brown and Victoria Heid.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 3460 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995

TITLE II—IMPLEMENTATION OF CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST AT- LANTIC FISHERIES

SEC. 201. SHORT TITLE.

This title may be cited as the “Northwest Atlantic Fisheries Convention Act of 1995”.

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SEC. 207. PROHIBITED ACTS AND PENALTIES.

(a) * * *

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(e) **ENFORCEMENT.**—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce the provisions of this title and shall have the authority specified in [sections] section 311(a), (b)(1), and (c) of the Magnuson Act (16 U.S.C. 1861 (a), (b)(1), and (c)) for that purpose.

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SEC. 209. ADMINISTRATIVE MATTERS.

(a) * * *

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(c) **STATUS AS FEDERAL EMPLOYEES.**—A person shall not be considered to be a Federal employee by reason of any service of the person in a capacity described in subsection (a), except for purposes

of injury compensation and tort claims liability under chapter 81 of title 5, United States Code, and chapter ~~171~~ 171 of title 28, United States Code, respectively.

SEC. 210. DEFINITIONS.

In this title the following definitions apply:

(1) * * *

* * * * *

(6) **MAGNUSON ACT.**—The term “Magnuson Act” means ~~the Magnuson Fishery~~ *the Magnuson-Stevens Fishery Conservation and Management Act* (16 U.S.C. 1801 et seq.).

* * * * *

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, \$500,000 ~~for each of the fiscal years 1995, 1996, 1997, and 1998.~~ *for each fiscal year through fiscal year 2001.*

SEC. 212. ANNUAL REPORT.

The Secretary shall annually report to the Congress on the activities of the Fisheries Commission, the General Council, the Scientific Council, and the consultative committee established under section 208.

SEC. 213. QUOTA ALLOCATION PRACTICE.

(a) **IN GENERAL.**—*The Secretary of Commerce, acting through the Secretary of State, shall promptly seek to establish a new practice for allocating quotas under the Convention that—*

(1) is predictable and transparent;

(2) provides fishing opportunities for all members of the Organization; and

(3) is consistent with the Straddling Fish Stocks Agreement.

(b) **REPORT.**—*The Secretary of Commerce shall include in annual reports under section 212—*

(1) a description of the results of negotiations held pursuant to subsection (a);

(2) an identification of barriers to achieving such a new allocation practice; and

(3) recommendations for any further legislation that is necessary to achieve such a new practice.

(c) **DEFINITION.**—*In this section the term “Straddling Fish Stocks Agreement” means the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.*

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ATLANTIC TUNAS CONVENTION ACT OF 1975

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DEFINITION

SEC. 2. For the purpose of this Act—

(1) * * *

* * * * *

[(4)] (5) The term “exclusive economic zone” means an exclusive economic zone as defined in section 3 of the [Magnuson Fishery] *Magnuson-Stevens Fishery* Conservation and Management Act (16 U.S.C. 1802).

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ADVISORY COMMITTEE

SEC. 4. (a) * * *

(b)(1) * * *

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(5) The advisory committee shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, the [Magnuson Fishery] *Magnuson-Stevens Fishery* Conservation and Management Act (16 U.S.C. 1801 et seq.), and the Convention. The advisory committee shall publish and make available to the public a statement of its organization, practices, and procedures.

* * * * *

SECRETARY OF STATE TO ACT FOR THE UNITED STATES

SEC. 5. (a) * * *

(b) The Secretary of State, in consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, is authorized to enter into agreements with any contracting party, pursuant to paragraph 3 of article IX of the Convention, relating to cooperative enforcement of the provisions of the Convention, recommendations in force for the United States and such party or parties under the Convention, and regulations adopted by the United States and such contracting party or parties pursuant to recommendations of the Commission. Such agreements may authorize personnel of the United States to enforce measures under the Convention and under regulations of another party with respect to persons under that party’s jurisdiction, and may authorize personnel of another party to enforce measures under the Convention and under United States regulations with respect to persons subject to the jurisdiction of the United States. Enforcement under such an agreement may not take place within the territorial seas or [fisheries zone] *exclusive economic zone* of the United States. Such agreements shall not subject persons or vessels under the jurisdiction of the United States to prosecution or assessment of penalties by any court or tribunal of a foreign country.

ADMINISTRATION

SEC. 6. (a) * * *

* * * * *

(c)(1)(A) * * *

* * * * *

(C) Regulations promulgated under this paragraph shall, to the extent practicable, be consistent with fishery management plans prepared and implemented under the **【Magnuson Fishery】** *Magnuson-Stevens Fishery* Conservation and Management Act (16 U.S.C. 1801 et seq.).

* * * * *

(6) IDENTIFICATION AND NOTIFICATION.—

(A) Not later than July 1, 1996, and annually thereafter, the Secretary, in consultation with the Secretary of State, the Commissioners, and the advisory committee, shall—

(i) identify those nations whose fishing vessels are fishing, or have fished during the preceding calendar year, within the convention area in a manner or under circumstances that diminish the effectiveness of a conservation recommendation;

(ii) notify the President and the nation so identified, including an explanation of the reasons therefor; and

(iii) publish a list of those Nations identified under **【subparagraph (A)】** *clause (i)*.

(B) In identifying those Nations, the Secretary shall consider, based on the best available information, whether those Nations have measures in place for reporting, monitoring, and enforcement, and whether those measures diminish the effectiveness of any conservation recommendation.

* * * * *

(d)(1) It is the sense of the Congress that the Secretary, in consultation with the Secretary of State, should seek support for a recommendation by the Commission to ban large-scale driftnet fishing (as that term is defined in section 3(16) of the **【Magnuson Fishery】** *Magnuson-Stevens Fishery* Conservation and Management Act) in the Convention area.

* * * * *

VIOLATIONS; FINES AND FORFEITURES; APPLICATION OF RELATED LAWS

SEC. 7. (a) * * *

* * * * *

(e) The civil penalty and permit sanctions of section 308 of the **【Magnuson Fishery】** *Magnuson-Stevens Fishery* Conservation and Management Act (16 U.S.C. 1858) are hereby made applicable to violations of this section as if they were violations of section 307 of that Act.

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of

the joint expenses of the Commission as provided in Article X of the Convention, the following sums:

(1) * * *

* * * * *

(4) **[For fiscal year 1998,]** *For each of fiscal years 1998, 1999, 2000, and 2001*, \$5,465,000 of which \$75,000 are authorized in the aggregate for such advisory committee and such working groups, and \$4,240,000 are authorized for such research activities.

[§ 11. Annual report]

ANNUAL REPORT

SEC. 11. Not later than April 1, 1996, and annually thereafter, the Secretary shall prepare and transmit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report, that—

(1) details for the previous 10-year period the catches and exports to the United States of highly migratory species (including tunas, swordfish, marlin and sharks) from Nations fishing on Atlantic stocks of such species that are subject to management by the Commission;

(2) identifies those fishing Nations whose harvests are inconsistent with conservation and management recommendations of the Commission;

(3) describes reporting requirements established by the Secretary to ensure that imported fish products are in compliance with all international management measures, including minimum size requirements, established by the Commission and other international fishery organizations to which the United States is a party; and

(4) describes actions taken by the Secretary under section 6.

[§ 12. Savings clause]

SAVINGS CLAUSE

SEC. 12. Nothing in this Act shall have the effect of diminishing the rights and obligations of any Nation under Article VIII(3) of the Convention.

SEPARABILITY

SEC. [11.] 13. If any provision of this Act or the applications of such provision to any circumstance or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

SECTION 3 OF THE ACT OF SEPTEMBER 4, 1980

AN ACT To authorize appropriations for fiscal years 1981, 1982, and 1983 for the Atlantic Tunas Convention Act of 1975, and for other purposes

SEC. 3. RESEARCH ON ATLANTIC HIGHLY MIGRATORY SPECIES.

(a) * * *

* * * * *

(b) **HIGHLY MIGRATORY SPECIES RESEARCH AND MONITORING.—**

(1) * * *

* * * * *

(3) In developing a program under this section, the Secretary shall—

(A) ensure that personnel and resources of each regional research center shall have substantial participation in the stock assessments and monitoring of highly migratory species that occur in the region;

(B) provide for comparable monitoring of all United States fishermen to which the Atlantic Tunas Convention Act of 1975 applies with respect to effort and species composition of catch and discards;

* * * * *